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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/675,737

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Sanjay Wangoo

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6367

23380 7590 06/02/2008
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EXAMINER

IBRAHIM, MOFIAMED

ART UNIT

PAPER NUMBER

2144

NOTIFICATION DATE

DELIVERY MODE

06/02/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@tuckerellis.com

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Office Action Summary

Application No.

10/675,737

Applicant(s)

WANGOO ET AL.

Examiner

MOHAMED IBRAHIM

Art Unit

2144

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-9,11,13-17,19 and 21-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-9,11,13-17,19 and 21-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ ~~Notice of Informal Patent Application~~
- 6) ☐ Other: _____

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/02/2008 has been entered.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 9, 11 and 13-16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The language of claims 9, 11 and 13-16 raise a question as to whether the claims are directed merely software per se or a combination of a software and hardware. As currently recited, there is nothing in the claims that specifically excludes them from being software per se. Therefore, Applicant is encouraged to claim specific hardware features within the claims in order to remedy and overcome the 101 deficiency.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3, 5-9, 11, 13-17, 19 and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zingher 5897260 in view of Korfanta, U. S. Patent Application Publication No. 2003/0182575 A1.

Regarding claim 1, Zingher discloses a method for distributing a document to at least one destination (see e.g. col. 2 lines 35-40; a system for allocating printing jobs to different destinations), wherein the method comprises the steps of: receiving document data representative of an electronic document to be distributed (see e.g. col. 4 lines 7-21; a document for printing is received from a customer); creating a job by appending to the document at least one printer job language command, wherein the printer job language command includes instructions for the distribution of the job by a document distribution queue and destination data specifically identifying at least one destination for distribution of the electronic document (see e.g. col. 4 line 67-col. 5 line15; print job along with parameters which define the print job are created); and distributing, on the basis of the printer job language command, the job to at least one destination (see col. 5 line 22- col. 6 line 18; printing job is processed and forwarded to destination based on the capability of the receiving machine).

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Although Zingher discloses the inventions substantially as claimed it does not explicitly disclose communicating the electronic document and appended printer job language to the document distribution queue via data network; receiving, into the document distribution queue, the electronic document and appended printer job language; parsing, via the document distribution queue, the appended printer job language command from the electronic document and distributing the job inclusive of the print job language to at least one destination.

Korfanta teaches system for printing documents and transmission of such documents from a host device to a printer-related device over a network. In this system the desired document is wrapped in print job language (PJL) wrapper where the PJL commands adds control instructions to the individual print job. The document including the PJL commands are sent to the printer-related device. When the print related device receives the document, it unwraps it from the PJL and prints the document (see paragraph [0023], [0028] and [0029]). At the time of the invention it would have been obvious to a person of ordinary skills in the art to combine the teachings of Korfanta with that of Zingher. Motivation for doing so would have been to enable the printing device to parse the instructions for printing the document while reducing the extra work of reinstructing the printer from the distribution module, in addition to providing more enhance security for the document.

Regarding claim 3, Zingher-Korfanta teaches wherein the document distribution queue

does not point to the destination (see e.g. col. 3 lines 62-67).

Regarding claim 5, Zingher-Korfanta teaches further comprising the step of, after reading the print job language command, distributing the job to a destination queue by the document distribution queue, wherein the destination queue points to the destination (see e.g. col. col. 3 line 52-col. 4 line 6).

Regarding claim 6, Zingher-Korfanta teaches wherein the destination is selected from the group consisting of an image forming device, an email system, a web publication system, and a document management system (see e.g. col. 4 lines 7-16 and col. 5 lines 2-9).

Regarding claim 7, Zingher-Korfanta teaches wherein the document is distributed to a plurality of destinations (see e.g. fig. 1 and col. 3 lines 25-39).

Regarding claim 8, Zingher-Korfanta teaches wherein the document is distributed to a plurality of destinations (see e.g. fig. 1 and col. 3 lines 25-39).

Claim 9 lists all the same elements of claim 1, but in system form rather than method form. Therefore, the supporting rationale of the rejection to claim 1 applies equally as well to claim 9. The same motivation utilized in the combination of claim 1, equally applies as well to claim 9.

Regarding claims 11, 13-16, these claims correspond the claims 3, 5-8 which are already addressed. Thus the same rejection equally applies to claims 11, 13-16.

Claim 17 lists all the same elements of claim 1, but in a computer-implemented form rather than method form. Therefore, the supporting rationale of the rejection to claim 1 applies equally as well to claim 17. The same motivation utilized in the combination of claim 1, equally applies as well to claim 17.

Regarding claims 19, 21-24, these claims correspond to claims 3, 5-8 therefore they are rejection for the same reasons.

Response to Arguments

5. Applicant's arguments with respect to claim 1, 3, 5-9, 11, 13-17, 19 and 21-24 have been considered but are moot in view of the new ground(s) of rejection.

Prior Art of Record

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please refer to form PTO-892 (Notice of Reference Cited) for a list of relevant prior art.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MOHAMED IBRAHIM whose telephone number is (571)270-1132. The examiner can normally be reached on Monday through Friday from 7:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William C. Vaughn, Jr. can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MI/

/William C. Vaughn, Jr./

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Supervisory Patent Examiner, Art Unit 2144